



New Jersey Department of Environmental Protection Site Remediation Program

INSTRUCTIONS FOR THE REMEDIATION FUNDING SOURCE SELF GUARANTEE APPLICATION

General Instructions

1. **Applicability.** Use this form to apply for and establish a Self Guarantee as a Remediation Funding Source pursuant to N.J.A.C. 7:26C-5.8. Please note that only persons responsible for conducting the remediation may apply for and establish a Self Guarantee as a Remediation Funding Source.
2. **Form Updates.** This form may be updated periodically. Please use the current version of this form. Download the current version of this form from the Department's Website: www.nj.gov/dep/srp/sra/forms or www.nj.gov/dep/srp/enforcement/rfs.htm.
3. Send completed forms to:
Bureau of Enforcement and Investigations
Site Remediation Program
NJ Department of Environmental Protection
401-05G
PO Box 420
Trenton, NJ 08625-0420
4. The Department will **NOT** be issuing written approvals for Self Guarantee Applications.
5. To continue to use Self Guarantee as a Remediation Funding Source, a new Self Guarantee Application shall be submitted to the Department annually thirty (30) calendar days prior to the expiration date of the Self Guarantee currently in place. The expiration date is one year from the date the Self Guarantee Application was received by the Department.

Specific Instructions

Section A. Site Name and Location

- Site Name-provide the name of the site i.e. ABC Corporation Site;
- Provide the street address for the site;
- Provide the name of the municipality and state if it is a Township, a Borough, or a City;
- Provide the name of the County and the zip code;
- Provide all NJDEP generated site identification numbers;

Section B. Person Responsible for Conducting the Remediation

Please note that only persons responsible for conducting the remediation may apply for and establish a Self Guarantee as a Remediation Funding Source.

Complete this section for the following person that applies:

- Any person who executes or is otherwise subject to an oversight document to remediate a contaminated site;
- The owner or operator of an industrial establishment subject to N.J.S.A. 13:1K-6 et seq. for the remediation of a discharge;
- Any other person who discharges a hazardous substance or is in any way responsible for a hazardous substance, pursuant to N.J.S.A. 58:10-23.11g, that was discharged at a contaminated site; and
- Any other person who is remediating a site.

1. Check the box for the oversight document/authority that is in place for the site; and
2. Provide the date the oversight document became effective; this date is the date the Department signed the oversight document and for industrial establishments subject to N.J.S.A. 13:1K-6 et seq., the date the person responsible for conducting the remediation signed the oversight document. For Remediation Certifications, provide the date it was submitted to the Department.
3. Provide the name of the entity that entered into the oversight document.

Section C. Self Guarantee Applicant Information

Please note that only persons responsible for conducting the remediation may apply for and establish a Self Guarantee as a Remediation Funding Source. See Section B. above.

- A Direct Parent Company may provide audited financial statements for purposes of a Self Guarantee Application only when the person responsible for conducting the remediation is a wholly owned subsidiary and does not produce its own audited financial statements and its financial statements are reported through the Direct Parent Company.
 - The audited financial statement shall include an auditor's report that provides an unqualified opinion regarding the audited financial statement.
 - Provide the legal name of the organization, i.e. ABC Corporation, that is the person applying for a Self Guarantee;
 - Provide the First and Last name of the contact;
 - Provide the title of the contact;
 - Provide the telephone number, extension, and fax number for the contact;
 - Provide the mailing address including the City, State, and Zip Code for the contact; and
 - Provide the email address for the contact.
1. State if the person responsible for conducting the remediation produces its own audited financial statements prepared in accordance with the American Institute for Certified Public Accountants guidelines, and that include but are not limited to: **income statement, balance sheet, and statement of cash flow** (example: Annual Report or 10-K Form); if the answer is "Yes," proceed to Section D. If the answer is "No," and the audited financial statements are provided by a Direct Parent Company, complete number 2 and then go to Section D as appropriate. If the answer is "No," and the person responsible for conducting the remediation is not a wholly owned subsidiary of a Direct Parent Company that produces its audited financial statements, and cannot produce its own audited financial statements, you cannot proceed with the application.
 2. State if a Direct Parent Company produces audited financial statements for the person responsible for conducting the remediation, in accordance with the American Institute for Certified Public Accountants guidelines, and that include but are not limited to: **income statement, balance sheet and statement of cash flow** (example: Annual Report or 10-K Form). If the answer is "Yes," complete the Direct Parent Company Information. If the answer is "No," and the person responsible for conducting the remediation cannot produce its own audited financial statements, you cannot proceed with the application.

A Direct Parent Company may provide audited financial statements for purposes of a Self Guarantee Application only when the person responsible for conducting the remediation is a wholly owned subsidiary and does not produce its own audited financial statements and its financial statements are reported through the Direct Parent Company.

Attach the most current fiscal year end audited financial statements, in which the auditor expresses an unqualified opinion for the preceding fiscal year that ended closest in time to the Self Guarantee Application certification date. The audited financial statements shall be prepared in accordance with the American Institute for Certified Public Accountants guidelines, and shall include but be not limited to: **income statement, balance sheet, and statement of cash flow** (example: Annual Report or 10-K Form).

Direct Parent Company Information (If Applicable)

- Provide the legal name of the organization, i.e. ABC Corporation, that is the person that produces the audited financial statements;
- Provide the First and Last name of the contact;
- Provide the title of the contact;
- Provide the telephone number, extension, and fax number for the contact;
- Provide the mailing address including the City, State, and Zip Code for the contact; and
- Provide the email address for the contact.

Section D. Estimated Cost of Remediation

In this section provide the amount of the current estimated cost of remediation and attach the Remediation Cost Review/ Estimate Form for approval by the Department.

The current cost of remediation is the calculated amount of the estimated cost to implement the remediation, including Department fees and oversight costs, but excluding the estimated cost to operate, maintain and inspect engineering controls as part of a remedial action permit once a remedial action permit has been issued by the Department.

Section E. Remediation Funding Source Amount

This is the amount of Remediation Funding Source to be established in an amount greater than or equal to the estimated cost of remediation approved by the Department, attach the Remediation Cost Review Estimate Form for Department review and approval; **OR** the Remediation Funding Source amount required in a/an Remediation Certification, Remediation Agreement, Administrative Consent Order, Directive, Order or ISRA Remedial Action Work Plan approval. **The greater value of the two is the amount required to be established as the Remediation Funding Source.**

Section F. Financial Documentation

Complete this section using the audited financial statement provided pursuant to Section C above. Where indicated, next to each value included in this Section, provide the page of the audited financial statement on which the information can be found.

The audited financial statement shall include an auditor's report that provides an unqualified opinion regarding the audited financial statement.

1. State if the Remediation Funding Source amount exceeds one-third of the applicant's net worth;
 - Provide the Self Guarantor's net worth and the page of the audited financial statement on which the information can be found;
 - Provide the amount that is one-third of the Self Guarantor's net worth;
2. State if the cash flow is sufficient to assure the availability of monies for implementation of the entire remediation;
 - Provide the Self Guarantor's net cash used in operating activities and the page of the audited financial statement on which the information can be found;
3. State if gross receipts (revenues) exceed gross payments (expenses) in an amount at least equal to or greater than the estimated cost of implementing remediation in the next 12 month period;
 - Provide the Self Guarantor's gross receipts and the page of the audited financial statement on which the information can be found;
 - Provide the Self Guarantor's gross payments and the page of the audited financial statement on which the information can be found;
 - Provide the Self Guarantor's Net Income;

The Chief Financial Officer or Similar Officer shall certify the accuracy of the information provided in this section pursuant to N.J.A.C. 7:26C-1.5(b)2.

Section G. Person Responsible for Conducting the Remediation Certification

This form must be signed by the person responsible for conducting the remediation pursuant to N.J.A.C. 7:26C-1.5.